

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Behan, D. & Chalmers, D.

EXAMINER: Basi, N.

SER. NO.: 09/060,188

ART UNIT: 1646

FILED: April 14, 1998

FOR: A METHOD OF IDENTIFYING MODULATORS  
OF CELL SURFACE MEMBRANE RECEPTORS  
USEFUL IN THE TREATMENT OF DISEASE

San Diego, CA  
October 14, 1999

SECOND PRELIMINARY AMENDMENT

Sir:

A Preliminary Amendment was filed in this case on June 29, 1998. This is the Second Preliminary Amendment and is being filed to make verbiage-oriented changes to certain of the claims. Statutory "new matter" is not believed to be added by the following.

IN THE CLAIMS

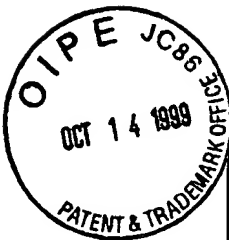
Please amend claim 1 as follows:

1 (Once amended). A method for directly identifying a candidate compound as a compound having activity selected from the group consisting of [an] inverse agonist activity, [a] partial agonist activity and [an] agonist activity, to an orphan receptor, comprising the steps of:

- (a) contacting a candidate compound with a constitutively activated orphan receptor; and
- (b) determining, by measurement of the compound efficacy at said contacted receptor, whether said compound [is an] has inverse agonist activity, [a] partial agonist activity, or [an] agonist activity [of] to said receptor.

Please amend claim 2 as follows:

2 (Once amended). The method of claim 1 wherein the candidate compound is [determined to be an] directly identified as having inverse agonist activity at [of] said receptor.



GAU 1646 \$

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PTO/SB/21 (6-98)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/060,188	
	Filing Date	4/14/98	
	First Named Inventor	Bahan, Dominic P.	
	Group Art Unit	1646	
	Examiner Name	Basi, N.	
Total Number of Pages in This Submission		Attorney Docket Number	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>2nd Preliminary Amendment</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Return postcard (1 page) Check No. 4779 for \$435.00 (1 page) Response to Restriction Requirement (2 pages) <del>Photocopy of Preliminary Amendment (4 pages)</del> Second Preliminary Amendment (3 pages)	

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Richard P. Burgoon, Jr. Reg. No. 34,787
Signature	
Date	October 14, 1999

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>Oct. 14, 1999</u>			
Typed or printed name	Kim T. Nguyen		
Signature		Date	10-14-99

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